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HIGH COURT OF JUDICATURE AT BILASPUR, CHHATTISGARH

SINGLE BENCH: HON'BLE SHRI S.R. NAYAK, CJ.

WRIT PETITION NO.1620 OF 2006

PETITIONER M/s Mangalam Service, Through Proprietor Nirmala Devi Agrawal, W/o D.K. Agrawal, Aged about 40 years, R/o Kharora, District Raipur (Chhattisgarh)

Vs.

RESPONDENTS

1. IBP Company Limited, Through Divisional Office, Ground Floor, Chawli Towers, Meera Datar Road, Near Bottle House, Shankar Nagar, Raipur (Chhattisgarh)
2. Union of India, Through Secretary, Ministry of Petroleum & Natural Gas, Shastri Bhavan, New Delhi.

Present: Mr. Prashant Mishra, learned Sr. Advocate, with Mr. V.R. Tiwari, learned counsel for the petitioner.
Thakur Vijay Singh, learned Addl. Solicitor General with Mr. S.S. Rajput, learned counsel for respondent No.1.
Mr. Goutam Bhaduri, learned counsel for respondent No.2.

ORAL ORDER
(Passed on 5th April, 2006)

The petitioner has established a retail outlet near Kharora Bus Stand in pursuance of the letter of intent granted in the year 2005. When the matter stood thus, the first respondent has floated tender calling for applications for establishing another outlet within 1 ½ kilometer of the outlet established by the petitioner. The complaint is that as per the norms fixed by the first respondent – Company itself fresh outlet cannot be allowed to be established within the radius of ten kilometers from the existing outlet. So alleging, the intervention of the Court is sought. At the time of hearing, Mr. Prashant Mishra, learned Sr. counsel for the petitioner

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would also submit that the fresh outlet cannot be allowed to be established, because, the proposed site is in the neighbourhood of State Highway No.37 and State Highway No.9. The petitioner without raising these objections before the first respondent – Company has straightaway approached this Court. The first respondent has yet to consider the tenders received by it and consider them on merit and in accordance with law.

(2) Having heard the learned counsel for the parties, I think that ends of justice would be met by permitting the petitioner to lodge ~~their opposition or~~ his objections against establishment of the fresh outlet near Kharora Bus Stand before the first respondent – Company and directing the first respondent – Company to consider the same before taking final decision on the proposed establishment of the outlet.

(3) In that view of the matter, I dispose of the writ petition permitting the petitioner to submit his objections in the form of ~~return~~ written representation to the first respondent – Company against the proposed establishment of the outlet near Kharora Bus Stand. Such representation shall be filed before the first respondent by the petitioner within a week. The first respondent – Company is directed to consider the objections of the petitioner and any other objection that may be filed by others, in accordance with law before finally deciding whether the additional outlet should be permitted to establish near the Bus Stand at Kharora. No costs.

Sd/-
Chief Justice

Brijesh